

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MARK ALEXANDER COMUNTZIS,

Plaintiff,

vs.

5:14-cv-00792
(MAD/CFH)

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

APPEARANCES:

**THE LAW OFFICE OF STEVEN
R. DOLSON, ESQ.**
126 North Salina Street, Suite 3B
Syracuse, New York 13202
Attorneys for Plaintiff

OF COUNSEL:

STEVEN R. DOLSON, ESQ.

Mae A. D'Agostino, U.S. District Judge:

ORDER

Plaintiff Mark Comuntzis commenced this action on June 30, 2014, seeking judicial review of the Commissioner of Social Security's decision to deny his application for Disability Insurance Benefits and Supplemental Security Income under the Social Security Act. Dkt. No. 1. On the same date, Plaintiff also filed a motion for leave to proceed *in forma pauperis*. Dkt. No. 2. The matter was referred to United States Magistrate Judge Christian F. Hummel for review and submission of a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(d). On July 7, 2014, Magistrate Judge Hummel denied Plaintiff's motion for leave to proceed *in forma pauperis* and directed Plaintiff to pay the filing fee within thirty days of entry of the order. Dkt. No. 4. Plaintiff has failed to pay the filing fee. Consequently, in his Report-

Recommendation and Order dated September 18, 2014, Magistrate Judge Hummel recommended that Plaintiff's complaint be dismissed without prejudice for failure to timely comply with the Court's July 7, 2014 order. No objections to Magistrate Judge Hummel's Report-Recommendation were filed.

Having carefully reviewed the Report-Recommendation and Order and the applicable law, the Court finds that Magistrate Judge Hummel correctly determined that Plaintiff's complaint be dismissed pursuant to Fed. R. Civ. P. 16(f)(1)(C) and 37(b)(2)(A)(v) for failure to obey the Court's order.

Accordingly, the Court hereby

ORDERS that Magistrate Judge Hummel's September 18, 2014 Report and Recommendation is **ADOPTED** in its entirety for the reasons stated therein; and the Court further

ORDERS that the Plaintiff's Complaint is **DISMISSED** without prejudice; and the Court further

ORDERS that the Clerk shall close this case; and the Court further

ORDERS that the Clerk shall serve a copy of this Order on all parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: October 15, 2014
Albany, New York



Mae A. D'Agostino
U.S. District Judge